

JOURNAL OF THE HOUSE.

Wednesday, June 16, 2004.

Met at twelve minutes after one o'clock P.M., with Mrs. Walrath of Slow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, each day we try to renew our resolve and determination to serve You and the people who depend upon our sound judgments in a faithful and conscientious manner. In addressing the present and future needs of the people and our communities in this changing world, help us to be creative and skillful in crafting relevant legislation and programs. Let our hearts and minds be filled with confidence, hope and trust in You and in each other. Teach us to appreciate and recognize the dedication and the commitment to personal freedom of the women and men who made tomorrow's holiday, Bunker Hill Day, a remembered historical event. May we continue to build this land in the spirit, wisdom and self-sacrifice of the founders of the nation.

Grant Your blessings on the Speaker the members and employees of this House and their families. Amen.

At the request of the Chair (Mrs. Walrath), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Ways
and Means
Chairman
Bertrams J.
Michael
Ruane of
Salem.

Special Recognition of Representative Ruane of Salem.

During the Session, the Chair (Mr. O'Flaherty of Chelsea) declared a brief recess and turned the gavel over to Representative Travis of Rehoboth for the purpose of making a special presentation to Representative Ruane of Salem. Mr. Travis then read and presented to Representative Ruane, previously adopted Resolutions of the House honoring him for his many distinguished years of service to the House of Representatives, the people of Salem and the citizens of the Commonwealth. The Resolutions, which were sponsored by Mr. Travis and one hundred and twenty-three other members of the House, expressed the sense of the House that Representative Ruane be designated as the "Chairman Emeritus of the House Ways and Means Committee". Representative Ruane then addressed the House briefly.

Message from the Acting Governor — *Veto*.

Mr. O'Flaherty of Chelsea being in the Chair,— A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with her objections thereto in writing the engrossed Bill relative to certain retirements in the city of Holyoke [see House, No. 4391] (for message, see House, No. 4865) was filed this day in the Office of the Clerk.

Holyoke,
retirements.

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The message was read; and, under House Rule 12, placed in the Orders of the Day for the next session, the question being on passing the bill, notwithstanding the said objections.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Kaufman of Lexington and other members of the House) congratulating Dr. Ronald J. Fitzgerald on his retirement; Ronald J.
Fitzgerald.

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating Randy Scott on being installed as a Melvin Jones fellow by the Marlborough Lions Club; Randy
Scott.

Resolutions (filed by Mr. Miceli of Wilmington) recognizing Dr. Michael David Kean-Price, the town crier to the ancient town of Tewkesbury, Gloucestershire, England; and Michael
David
Kean-Price.

Resolutions (filed by Messrs. O'Brien of Kingston and deMacedo of Plymouth) congratulating Gerald Souza on receiving the Eagle Award of the Boy Scouts of America; Gerald
Souza.

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Scaccia of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith, and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Galvin of Canton, petition (accompanied by bill, House, No. 4856) of William C. Galvin and Brian A. Joyce (by vote of the town of Canton) that said town be authorized to dispose of certain land located in the town of Canton and also in the town of Stoughton, and Canton
and
Stoughton,
land.

By Ms. Polito of Shrewsbury, petition (accompanied by bill, House, No. 4857) of Karyn E. Polito and Guy W. Gliodis (by vote of the town) that the town of Shrewsbury be authorized to establish a fund to provide for certain improvements in the Lakeway Overlay District of said town; Shrewsbury, -
lands.

Severally to the committee on Local Affairs and Regional Government.

By Mr. Galvin of Canton, petition (accompanied by bill, House, No. 4858) of William C. Galvin and Brian A. Joyce (by vote of the town) for legislation to authorize the appointment of retired police officers of the town of Canton as special police officers for certain detail work in said town. To the committee on Public Service. Canton,
retired
police
officers.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The House Bill further regulating the Department of Revenue (House, No. 4744) came from the Senate with the endorsement that Department of
Revenue.

Committee of
conference.

said branch had insisted on its amendments (in which the House had non-concurred).

The bill bore the further endorsement that the Senate had concurred with the House in the appointment of a committee of conference on the disagreeing votes of the two branches; and that Senators Murray, Creem and Knapik had been joined as the committee on the part of the Senate.

Bills

Trooper
Mary T.
McCauley.

Relative to the transfer of sick, personal or vacation time to State Trooper Mary T. McCauley of the Northern District Attorney's Office (Senate, No. 2229, amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize transfer of certain accrued time to a certain state troop, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.") (on a petition);

Carole M. Lee,
sick leave
bank.
Attorney
Fees,
liens.

Establishing a sick leave bank for an employee of the Department of Social Services (Senate, No. 2230) (on a petition); and
Relative to attorney's lien for fees (Senate, No. 2389) (on Senate bill, No. 2384);

Severally passed to be engrossed by the Senate, were read, and they were referred, under Rule 33, to the committee on Ways and Means.

Plymouth,
economic
development
fund.

A petition (accompanied by bill, Senate, No. 2390) of Therese Murray, Viriato Manuel deMacedo and Thomas J. O'Brien for legislation relative to the creation of an economic development fund in the town of Plymouth, was referred, in concurrence, to the committee on Local Affairs and Regional Government.

Paid
leave bank,
Jamie
Richards.

A petition of Steven A. Baddour and Michael A. Costello for legislation to establish a paid leave bank for a certain employee of the Department of Social Services, Jamie Richards, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2395) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Non-public
and charter
schools.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of William Francis Galvin, Martin J. Walsh, John A. Hart, Jr., Brian P. Wallace and Bruce J. Ayers that non-public and charter schools be required to notify parents of administrative decisions to cease operations of such school programs. Under suspension of the rules, on motion of Mr. Bosley of North Adams, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education, Arts and Humanities. Sent to the Senate for concurrence.

By Mr. Koutoujian of Waltham, for the committee on Health Care, on Senate, No. 624 and House, Nos. 698, 1284, 2240, 2431, 2432, 2437, 2798, 3328 and 3732 an Order relative to authorizing the committee on Health Care to make an investigation and study of certain Senate and House documents concerning Medicaid reform, prescription drugs and other related matters (House, No. 4859).

By the same member, for the same committee, on House, Nos. 350 and 4262, an Order relative to authorizing the committee on Health Care to make an investigation and study of certain House documents concerning funeral homes and athletic trainers (House, No. 4860).

By the same member, for the same committee, on House, Nos. 352, 550, 556, 1092, 1281, 1863, 2807, 2961, 3772, 4121, 4263 and 4362, an Order relative to authorizing the committee on Health Care to make an investigation and study of certain House documents concerning health care regulations, health care providers and prescription drugs (House, No. 4861).

By Mr. Toomey of Cambridge, for the committee on Public Safety, on Senate, No. 1384 and House, No. 3384, an Order relative to authorizing the committee on Public Safety to make an investigation and study of certain Senate and House documents concerning the driver's education program in the Commonwealth (House, No. 4862).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, on a petition, a Bill making changes to the Business Corporation Act (House, No. 4833). Read, and referred, under Rule 33, to the committee on Ways and Means.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, that the Bill relative to the Salem Retirement Board (House, No. 4689) ought to pass.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the residency of the town manager of the town of Concord (House, No. 4475) ought to pass [Local Approval Received].

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Vallee of Franklin, for the committee on Criminal Justice, on House, No. 4478, a Bill prohibiting the criminal use of real property in a movie theater (House, No. 4863).

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing the town of Yarmouth to make certain conveyances of wellfield land (House, No. 4706, changed in section 3, in lines 3 and 4, by striking out the following: "\$87,340 by Gladstone Limited Partnership" and

Medicaid
reform.

Funeral
homes,
study.

Health care
regulations and
providers.

Driver's
education,
study.

Business
corporation
act.

Salem
Retirement
Board.

Concord,
town
manager.

Yarmouth, -
wellfield
land.

Real
property.

inserting in place thereof the following: "\$94,000 by Bloodstone Limited Partnership") [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Yarmouth to lay out a public way over certain wellfield land (House, No. 4707) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the city of Lowell to grant a certain easement (House, No. 4720) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing the town of Sutton to lease certain conservation land (House, No. 4730) [Local Approval Received].

By the same member, for the same committee, on a message from His Excellency the Governor, a Bill validating the proceedings of the annual town meeting in the town of Brookfield (printed in House, No. 4756).

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill authorizing designating a certain bridge in the city of Worcester as the Representative Robert J. Bohigian Bridge (House, No. 4761) [Local Approval Received].

Severally read, and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Engrossed bills
Authorizing the town of Northbridge to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 3935, amended); and

Providing for filling vacancies in the office of mayor, city councillor-at-large, ward councillor and school committee member of the city of Revere (see House, No. 4681);

(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Senate bills
Authorizing payroll deductions for certain contributions to the State Police Museum Fund (Senate, No. 1417, amended); and
Relative to part-time elected officials of the town of Swansea (printed as House, No. 3969);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

The House Bill relative to a pension for a surviving spouse in the city of Springfield (House, No. 4157), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill relative to the penalties for killing, maiming or poisoning an animal (Senate, No. 198); and
House bills

Designating a certain bridge in Hyde Park as the Joseph M. Kearney Bridge (House, No. 293);

To clarify the scope of authority of ordinances and by-laws adopted by municipal governments (House, No. 585); and

Relative to the parties to insurance coverage for tenant relocation expenses (House, No. 1879);

Severally were read a second time; and they were ordered to a third reading.

The report (in part) of the committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment of the House Bill making appropriations for the fiscal year 2005 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4850), was considered.

After debate the report of the committee of conference was accept. The report then was sent to the Senate for concurrence.

Recess.

At six minutes after two o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. O'Flaherty of Chelsea being in the Chair), the House recessed until a quarter before three o'clock; and at twelve minutes before four o'clock the House was called to order with Mr. O'Flaherty in the Chair.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2005 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4850), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 19 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yeas and Nays No. 661 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Yarmouth,
wellfield
land.

Lowell,
easement.

Sutton,
land
lease.

Brookfield,
validance
acts.

Worcester,
Bohigian
bridge.

Bills
enacted.

Third
reading
bills.

Third
reading
bill.

Second
reading
bills.

General
Appropriation
Bill.

General
Appropriation
Bill.

Bill
enacted,
yeas and nays
No. 661.

Recesses.

Recesses.

At nine minutes before four o'clock P.M., the Chair (Mr. O'Flaherty of Chelsea) declared a recess subject to the call of the Chair; and at seven minutes after four o'clock the House was called to order with Mr. O'Flaherty in the Chair.

The Chair (Mr. O'Flaherty) thereupon declared a further recess until a quarter before five o'clock; and at ten minutes before five o'clock the House was called to order with Mr. O'Flaherty in the Chair.

Report of a Committee.

Bourne,
Highway
Law.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the Department of Highways to acquire certain parcels of land in the town of Bourne (printed in House, No. 3943) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4866).

Under suspension of the rules, on motion of Mr. Jones of North Reading, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 4866) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. Finneran of Boston,—

Ordered. That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

Mr. Sullivan of Fall River then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the matters in the Orders of the Day, at twenty minutes after five o'clock P.M. (Mr. O'Flaherty of Chelsea being in the Chair) the House adjourned, to meet Monday next at eleven o'clock A.M., in an Informal Session.